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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,006	09/16/2003	Monty L. Strouts	PDS01 P-103	3905
28101	7590	12/16/2004	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			SMITH, JAMES G	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,006	Applicant(s) STROUTS, MONTY L. <i>cm</i>	
	Examiner James G Smith	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: The recitation "said recessed portions" lacks antecedent basis. Examiner believes that Claim 6 should depend from Claim 5 and Claim 7 from Claim 6, thereby properly introducing the recessed portions before Claim 8. The application has been examined as such. Appropriate correction is required.
2. Claim 15 is objected to because of the following informalities: The recitation "said engagement arm" lacks antecedent basis. Examiner believes Claim 15 should depend from Claim 14, which introduces the engagement arm. Appropriate correction is required.
3. Claim 16 is objected to because of the following informalities: The recitation "said engagement arm" lacks antecedent basis. Examiner believes Claim 16 should depend from Claim 15 (Claim 15 now depends from Claim 14, see above) to properly introduce the claimed feature. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolff (1,914,840). With respect to Claims 1, 9, and 13, Wolff discloses a garment hanger with a C-shaped hook portion having an open side for receiving a support bar and first and second arms depending from the hook portion. The open side of the hook portion is expanded to receive a

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support bar and releasably retains a support bar therein. With respect to Claim 2, the arms are angled downwards with respect to the hook portion. With respect to Claim 3, the hook portion and the arms are formed from a wire member. With respect to Claim 4, the wire member is shown to be of a uniform thickness throughout.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Rios (5,080,268). Wolff discloses a garment hanger with a C-shaped hook portion having an open side for receiving a support bar and first and second arms depending from the hook portion. The open side of the hook portion is expanded to receive a support bar and releasably retains a support bar therein. However, Wolff fails to specifically disclose the wire forming the garment hanger being plastic wire. Rios discloses that it is well known for conventional hangers to be constructed of plastic wire. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the garment hanger taught by Wolff with plastic wire to reduce the weight of the garment hanger.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Rios (5,080,268) as applied to claim 5 above, and further in view of Lyons (2,637,472). Wolff in view of Rios essentially teaches the invention of Claim 7, but fails to teach the arms having raised shoulder portions. Lyons discloses a hanger similar to that of Wolff

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with a different resilient hook member and raised shoulder portions along both arms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Wolff in view of Rios to include raised shoulder portions as taught by Lyons resulting in a better fitting garment hanger.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Rios (5,080,268) as applied to claim 5 above, and further in view of Woodhull (3,666,149). Wolff in view of Rios essentially teaches the invention of Claim 6, but fails to teach the arms having recesses for receiving garment straps. Woodhull discloses a garment hanger with a different resilient hook member and a pair of recesses in the arms to receive a garment strap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Wolff in view of Rios with the teachings of Woodhull to include a pair of recesses for receiving garment straps to more securely suspend garments.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Rios (5,080,268), further in view of Lyons (2,637,472) as applied to claim 7 above, and further in view of Woodhull (3,666,149). Wolff in view of Rios further in view of Lyons essentially teaches the invention of Claim 8, but fails to teach the arms having recesses for receiving garment straps. Woodhull discloses a garment hanger with a different resilient hook member and a pair of recesses in the arms to receive a garment strap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Wolff in view of Rios, further in view of Lyons with the teachings of Woodhull to include a pair of recesses for receiving garment straps to more securely suspend garments.

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11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Lyons (2,637,472). Wolff discloses a garment hanger with a C-shaped hook portion having an open side for receiving a support bar and first and second arms depending from the hook portion. The open side of the hook portion is expanded to receive a support bar and releasably retains a support bar therein. However, Wolff fails to teach the first and second arms having raised shoulder portions. Lyons discloses a hanger similar to that of Wolff with a different resilient hook member and raised shoulder portions along both arms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Wolff to include raised shoulder portions as taught by Lyons resulting in a better fitting garment hanger.

12. Claims 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (1,914,840) in view of Woodhull (3,666,149). Wolff discloses a garment hanger with a C-shaped hook portion having an open side for receiving a support bar and first and second arms depending from the hook portion. The open side of the hook portion is expanded to receive a support bar and releasably retains a support bar therein. However, Wolff fails to teach the arms having recessed portions for receiving a garment strap. Woodhull discloses a garment hanger with a different resilient hook member and a pair of recesses in the arms to receive a garment strap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Wolff with the teachings of Woodhull to include a pair of recesses for receiving garment straps. With respect to Claim 14, the hook portion has an engagement arm projecting from the open side of the hook member. With respect to Claim 15, the surface of the engagement arm provides a profile for engaging a support member and serves

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as a cam member urging the open side of the hook portion apart for receiving the support member in the hook portion. With respect to Claim 16, the engagement arm deflects when engaged with a support member allowing the support member to enter the hook portion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 571-272-4994. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS
12/13/04


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